

10, 2006

(A) The meeting was called to order by the Chairman, Felix Carlone, at 12:50 PM.

(B) Approval of the agenda and order of business was accepted on a motion by Mr. Caldwell and seconded by Mr. Brunetti.

(C) The minutes of the 208th meeting were approved on a motion by Mr. Gianlorenzo and seconded by Mr. Brunetti.

Special introduction of John Leyden, the new Building Code Commissioner to the members of the Board. We welcome him and hope to continue a good working relationship.

(D) Court Case Update: December 2006

Year end information from the Attorney General's Office

DEFENDANT FINES RESTITUTION DATE CLAIMANT

Chaves \$158.75 12/06 Alexander

McDaniel \$700 \$2,500 12/06 White

Petrucci \$500 12/06

Rebello \$250 12/06 Hoitt

Russo \$100 12/06 Paygai

Sarault \$100 12/06 Rook

Total: \$1,200 \$3,208.75

TOTAL FINES & RESTITUTION: \$4,408.75

(E) Consideration of Cases on Appeal and Oral Argument:

(1) 12:40 PM, claim #4874, Gerald Morin vs. Patrick Conway, motion to vacate a final order filed by the respondent and continued from last months meeting for possible resolution. Parties have been working on a resolution for the last several months. This was to review the status. The attorney for the claimant was tied up in court, but called and told the Board to go forward on the update. Most of the work was performed as ordered by the Board at last months meeting with the exception of the window, which is still on order. The window which came in was the wrong one. The Chair moved to table for review until next month due to zoning variances, which needed to be filed to obtain necessary permits. Both parties were in attendance and the respondent was represented by legal counsel. The Chair also added to the motion that (2) crank handles are needed to be provided by Friday. Fines would be reviewed again at the next meeting and would be held open. The motion was seconded by Mr. Gianlorenzo and unanimously agreed to by the rest of the Board members in attendance. Carl Saccoccio, the Board's investigator, reported his findings to the Board prior to the motion;

(2) 01:00 PM, claim#5623, Frank Mendella vs. Crystal Silvia, exceptions filed by the respondent. Both parties were in attendance and exceptions were heard by the Board as to why the RESPONDENT failed to attend the Administrative hearing. The RESPONDENT moved

to Canada; noticed the post office of the address change but failed to notify the Board so notice of hearing was sent to the address of record. After much discussion and a review of the returned notices of no forwarding address, the Chair made a motion to remand the matter back for a new Administrative hearing. Motion was seconded by Mr. Caldwell and unanimously passed. A new hearing will be scheduled and notice will be sent to Canada to assure respondent is in attendance;

(3) 01:20 PM, claim #5643, Patricia Pascale vs. Robert Paiva, exceptions filed respondent. The respondent was represented by Attorney Kevin McKenna, who filed a brief summary as to his reasons for filing exceptions against the hearing officer's decision. The claimant was not in attendance in that only fines were assessed at the hearing, no monetary award or services to be rendered. Attorney McKenna presented arguments to the Board and members questioned the bases for some of his exceptions regarding code enforcement and enforcement of construction standards. After some discussion and review of the file and claim, the Chair moved that the Board uphold the decision of the hearing officer as issued by the Commission. This motion was seconded by Mr. Furey for discussion and a modification was made on the motion to stay the fines and action on the respondent's registration for (30) days to allow Attorney McKenna to appeal this matter into Superior Court, if he wanted to; this motion carried unanimously. A stay would be also granted without requesting it on the fines and registration if such an appeal was filed in Superior Court;

(4) 01:40 PM, registration #23018, John Ribeiro, All State Flooring, this matter has been continued from last month so the Board could review the proposed order regarding a claim, which had been filed against Mr. Ribeiro, but the hearing was continued by the claimant, so no proposed order was available to be reviewed. This matter will be rescheduled for next month to hopefully bring a resolution to this action on the respondent's registration;

(5) 02:00 PM, claim #5768, David & Kristen Iden vs. Thomas Holbogen, exceptions filed by the respondent, but matter up for review. This matter was settled with a \$22,500 agreement and signing of releases, so was not heard by the Board. The claim was resolved and disposed with this settlement;

(6) 02:20 PM, claim #5711, Ed & Tribbie Zarra vs. James Colucci, exceptions filed by the respondent. Both parties were in attendance and the respondent was represented by legal counsel, Michael A. Kelly, who presented his exceptions to the Board and agreed to most of the items in the order with the exception of replacing the floor in the garage. In that he had additional information from a testing company, he wanted the Board to remand the decision back to the hearing officer for a new hearing. The Board questioned why this was not submitted at the original hearing, the attorney replied it was not performed until 12/22/06 after the decision was rendered by the hearing officer. The Board asked other questions regarding the work performed and reviewed the pictures. Which were in the exhibit file, showing ponding water not draining in the garage. The Chair suggested a review of the site be conducted, but the attorney for the

respondent was not in favor of that review. After more discussion and possible suggestions to resolve this problem, a motion was made by the Chair and seconded by Mr. Furey to uphold the decision of the hearing officer. This was unanimously passed and the final order will be issued as proposed.

(F) Report of the Executive Director:

(1) Statistics Report: 1/10/07

Registrations:

Number of Registered Contractors	12840		
Number of Cards Surrendered	3590	Number of Cards	
/ExpiredLapsed	11828		
Number of Cards Invalidated	410		
Number of Cards Suspended	358		
Number of Cards Revoked	57		

Registration Actions 1/10/07

Number of New Registered Contractors	122
Number of Renewed Contractors	12718
Number of Cards Surrendered	13
Registrations Invalidated	3
Registrations Suspended	15
Registrations Revoked	3

Claims: 1/10/07

Administrative Appeals	2
Board Appeals	5
Address Trace	47
Awaiting Further Action	54
Court	274
Disposed	4904
Final Orders	122
Hearings	83
Out of State Services	57
Proposed Orders	24
Under Investigation	200

Total Claims Filed with the Board **5772**

Number of New Claims **46** **12/13/06 –**
1/10/07

Violations:

Action Against Registration	19
Advertising	1
Non-Registered Subcontractors	4
Cancelled Insurance	706
Notice of Hearing	4
Non-Registered Contractors	609

TOTAL RECORDS **1343**

Number of New Violations

20

(12/13/06 – 1/10/07)

Lapsed Registrations/Never Re-Newed:

December 2005	98
January 2006	112
February 2006	107
March 2006	161
April 2006	144
May 2006	162
June 2006	143
July 2006	142
August 2006	121
September 2006	98
October 2006	66
November 2006	61
December 2006	57

Tickets: #'s Fines

2006

January 0 \$0

February 0 \$0

March 0 \$0

April 0 \$0

May 3 \$750
June 1 \$250
July 9 \$2,750
August 2 \$500
September 0 \$0
October 6 \$1,300
November 1 \$40
December 3 \$750

Commercial Roofers: 1/10/07

Number registered 115
Number expired/lapsed 17
Number surrendered 11
Number invalidated 0
Number suspended 0
Number revoked 0
Pending Approval 0

Registration Actions 1/10/07

Number of New Registered Contractors 0
Number of Renewed Contractors 115
Number of Cards Surrendered 0
Number of Expired/Lapsed 0
Registrations Invalidated 0
Registrations Suspended 0
Registrations Revoked 0

(G) Old Business:

(1) Review Regulations, Laws and Standards: No meetings have been held since the last Board meeting. In that changes are required in the new legislation, which will affect the rules and regulations, the Board decided to refile the existing rules and regulations. Upon passage of new laws, a meeting will be scheduled so a public hearing can review new changes.

(H) New Business:

(1) Review of Consumer Information Brochure and Mechanic Lien Law: Concerns from the RI Building Association were reviewed and discussed. It was decided rather than re-write to make a simple modification to that section to provide clarity. Tom Furey also requested a re-write to the insurance language and provided this information to the executive director, who made the changes;

(2) Legislation: The Board is to work with the study commission in putting forth legislation this year. Several bills will be submitted to clarify and modify the newly enacted legislation;

(3) Home Inspectors: Need to get legislation put forth this session to change dates and implement this unfunded mandate from 2000. Meeting will be established to revise the law;

(4) Study Commission: One meeting was held and awaiting a new date.

(5) Contractor Licensing: Meeting scheduled with ABC and AGC to discuss licensing. Tom Furey requested he also attend and

information will be forwarded to him via e-mail. Met with carpenters in December to discuss licensing;

(6) Seminars: Attorney General's Office conducting seminars for attorneys regarding the RI Contractors' Registration Board. Katie Ryan will be one of the instructors;

(7) Consumer Protection Award: Attorney General's Office will be awarding this to Audrey Laganas TV 10 reporter and Susan Hogan, TV 12 reporter Thursday 1/25/07 at 6 PM;

(8) Lead Paint: Health Department letter being sent regarding lead program. The Executive Director will be putting signature on letter to contractors;

(9) Home Show: Board was asked to attend the show, which will be held 3/14/ to 3/18/07 at the convention center;

(10) Thank you to Tom Furey for providing a digital camera to the Board for the Board's investigators;

(11) The Board also discussed the deposit amount taken up front and the need to put something in the law in this regard. This may be a matter for the study commission;

(12) Review recent decision from Superior Court in regards to Robert Houghton, FMF Home Improvement and a favorable decision for the Board.

(I) Public Comment: None.

(J) Announcements: The next Board meeting is scheduled for Wednesday February 14, 2007 at

12:30 PM Conference Room “C”, 2nd Floor, One Capitol Hill.

**(K) Adjournment: A motion was made by Mr. tom Furey and seconded by Ms. Barbara Calcagni
to adjourn at 3:55 PM.**

**Members Present: F. Carlone, A. Salisbury, D. Caldwell, S. Gianlorenzo,
T. Furey, B. Calcagni, R. Cardoza and P. Brunetti**

Members Absent: E. Ladouceur, J. Pesce and D. Gagnon

**Others Present: George Whalen (Executive Director), Kathryn Ryan (Legal Counsel),
Investigators, stenographer, parties for appeals.**

Respectfully Submitted,

**George W. Whalen, Executive Director
Contractors’ Registration Board**

GWW/man